

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

CAREY D. EBERT,

Plaintiff,

Vs.

HOWARD APPEL, ET AL

Defendants.

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Civil Action No. 4:15-cv-00225-0

MOTION FOR WITHDRAWAL OF COUNSEL

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Mark J. Petrocchi, and requests permission to withdraw from representation of Harvey Klebanoff and Helen Klebanoff, and shows the Court the following:

1. Mark J. Petrocchi of the law firm of Griffith, Jay & Michel, LLP (“GJM”) filed an appearance as counsel of record for Harvey Klebanoff and Helen Klebanoff

2. Harvey and Helen Klebanoff were also represented by Adam Schwartz of the Homer, Bonner, Jacobs, PA firm of Miami, FL. The firm of Homer, Bonner, Jacobs, PA firm of Miami, FL have filed a motion to withdraw that had not been ruled on at the time of the preparation of this document. This firm waited to file this motion pending the written approval of the client. This Court has now entered its order allowing Adam Schwartz to withdraw.

3. This matter is scheduled for trial on July 10, 2017.

4. The granting of this motion is not intended to result in delay.

5. A copy of the scheduling order of this Court being document item No. 133 and the amended scheduling order being document item No. 175 have been provided to the Klebanoff Defendants.

6. The Klebanoff Defendants do not oppose the motion and have consented as is reflected on a proposed order authorizing the withdrawal pursuant to local rule 83.12. The Defendants have been unable to maintain the terms of the agreement with counsel related to representation. Counsel is unable to adequately represent the clients.

7. Harvey & Helen Klebanoff may be served by correspondence directed to Harvey & Helen Klebanoff, 2667 N. Ocean Boulevard, Apt # 609, Boca Raton, FL 33431-7158.

WHEREFORE, PREMISES CONSIDERED, Mark J. Petrocchi of the law firm of Griffith, Jay & Michel, LLP gives notice of the intention and the withdrawal from representation and prays that the Court enter an order recognizing the withdrawal of Mark J. Petrocchi of the law firm of Griffith, Jay & Michel, LLP, as the attorney of record for Harvey Klebanoff and Helen Klebanoff; and for such other and further relief that may be awarded at law or in equity.

Respectfully submitted,

By: /s/Mark J. Petrocchi

Mark Petrocchi

State Bar No. 15851750

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CERTIFICATE OF CONFERENCE

The undersigned certifies that he has conferred with Harvey and Helen Klebanoff and they do not oppose the motion. The undersigned has also conferred with Kenneth Hill, counsel for the Plaintiff, Tom Ferrell, counsel for the DeJoria related Defendants and Ken Shemin, counsel for the Appel related Defendants.

/s/Mark J. Petrocchi

Mark J. Petrocchi

CERTIFICATE OF SERVICE

The undersigned certifies that he caused a true and correct copy of the foregoing document to be served electronically upon those persons registered on the ECF Filing system of the court, and by US Mail upon the following on this 22nd day of February 2017.

Harvey and Helen Klebanoff
2667 N. Ocean Blvd., Apt. #609
Boca Raton, FL 33431-7158

/s/Mark J. Petrocchi
Mark J. Petrocchi